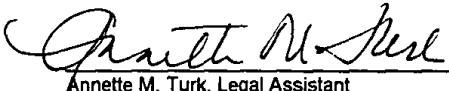


525 Rec'd PCT/PTO 03 JAN 2001

#3  
Bernt

Filed in Duplicate  
PATENT APPLICATION

I hereby certify that this paper is being deposited with  
the United States Postal Service on January 3, 2001,  
in an envelope as "Express Mail Post Office to Addressee"  
mailing Label No. EL675081415US addressed to the  
Commissioner for Patents, Washington, D.C. 20231.

  
Annette M. Turk, Legal Assistant

January 3, 2001  
(Date)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bernt S. Van Asbeck, et al.

Serial No. 09/700,669

Filed: November 16, 2000

For: USE OF A NUCLEIC ACID-BINDING  
CHEMOTHERAPEUTIC AGENT, AND A  
PHARMACEUTICAL COMPOSITION

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

Box: PCT - MISSING PARTS  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the DO/EO/US, mailed on December 6, 2000, enclosed are the following items for filing in the above-referenced U.S. patent application:

1. Declaration and Power of Attorney, executed by Applicants on December 20, 2000.
2. Small Entity Status is claimed under 37 CFR 1.27.
3. Check to cover the small entity surcharge fee in the amount of \$65.00.
4. Office's copy of form PCT/DO/EO/905.

01/08/2001 TV0111 00000071 09700669

01 FC:254

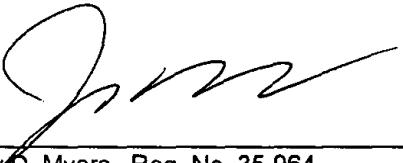
65.00 OP

If there are additional fees, or any credits, please charge such amounts to Deposit Account No. 13-4213. A duplicate of this paper is provided for accounting.

Having now complied with all of the requirements of 35 USC § 371, Applicants respectfully request that an Official Filing Receipt be issued and this application be placed in line for examination.

Respectfully submitted,

By:

  
Jeffrey D. Myers, Reg. No. 35,964  
Direct line: (505) 998-1502

Dated: January 3, 2001

PEACOCK, MYERS & ADAMS, P.C.  
Attorneys for Applicant(s)  
P. O. Box 26927  
Albuquerque, New Mexico 87125-6927

Telephone: (505) 998-1500  
Facsimile: (505) 243-2542

**Customer No. 005179**

{\WDM\DOCS\ANNETTE\Los&Stigler-Asbeck-MP.PTO.doc} 30394-1041



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

|  |                       |  |
|--|-----------------------|--|
| U.S. APPLICATION NO.   | FIRST NAMED APPLICANT | ATTY. DOCKET NO.   |
| 09/700669  | VAN ASBECK            | B 30394-1041   |
| PEACOCK MYERS AND ADAMS P C<br>P O BOX 26927<br>ALBUQUERQUE, NM 87125 6927 |                       | INTERNATIONAL APPLICATION NO.<br>PCT/NL99/00316                    |
|  |                       | I.A. FILING DATE<br>20 MAY 98<br>DATE MAILED:<br><i>6 DEC 2000</i> |
| PRIORITY DATE<br>20 MAY 98   |                       |  |

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- a Designated Office (37 CFR 1.494).  
 an Elected Office (37 CFR 1.495);  
 U.S. Basic National Fee.  
 Copy of the international application in:  
 a non-English language.  
 English.  
 Translation of the international application into English.  
 Oath or Declaration of inventors(s) for DO/EO/US. (Unexecuted)  
 Copy of Article 19 amendments.  
 Translation of Article 19 amendments into English.  
 The International Preliminary Examination Report in English and its Annexes, if any.  
 Translation of Annexes to the International Preliminary Examination Report into English.  
 Preliminary amendment(s) filed 16 NOV 2000 and \_\_\_\_\_.  
 Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_  
 Assignment document.  
 Power of Attorney and/or Change of Address.  
 Substitute specification filed \_\_\_\_\_.  
 Verified Statement Claiming Small Entity Status.  
 Priority Document.  
 Copy of the International Search Report  and copies of the references cited therein.  
 Other: RO 101

*Reply due 16 Dec 2000*

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.  
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$\_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY  21 OR  31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR. 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**RECEIVED**

**DEC 11 2000**

**A copy of this notice MUST be returned with this response.**

Enclosed:

PCT/DO/EO/917

Notice of Defective Translation

PTO-875

FORM PCT/DO/EO/905 (December 1997)

Peacock, Myers & Adams, PC

Francine Young

Telephone: 703-305-3662